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I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

June 14, 2007
Date

Joanne Bourguignon
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark E. Phillips
Application No. : 09/975,748
Filed : October 10, 2001
For : SYSTEM AND METHOD FOR MUSICAL PLAYLIST
SELECTION IN A PORTABLE AUDIO DEVICE

Examiner : Marlon T. Fletcher
Art Unit : 2837
Docket No. : 35073.001
Date : June 14, 2007

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision of the Examiner dated March 15, 2007 rejecting claims 1-20.

The Commissioner is hereby authorized to charge the Notice of Appeal fee of \$250 to Deposit Account No. 50-2976, in accordance with applicants' small entity status:

At anytime during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-2976 pursuant to 37 CFR 1.25.

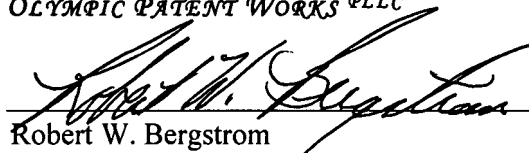
06/20/2007 SSESHE1 00000050 502976 09975748
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The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-2976. This notice is being submitted in duplicate.

Respectfully submitted,

Mark E. Phillips

OLYMPIC PATENT WORKS PLLC

A handwritten signature in black ink, appearing to read "Robert W. Bergstrom", is written over a horizontal line.

Robert W. Bergstrom
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Enclosures:

Postcard

Copy of this Notice/Petition

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